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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,325

10/19/2006

Peter Titz

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9676

27305

7590

12/30/2009

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

12/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,325	Applicant(s) TITZ, PETER	
	Examiner KATHERINE W. MITCHELL	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant is advised that this application is being transferred to a new examiner. In the transfer review, it was noted that the earlier restriction was improper. Therefore, a new, proper restriction requirement is provided below. Note that applicant's time period for response has been reset.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group A, claim(s) 1-35, drawn to a sealing strip comprising an extruded portion and a molded portion.

Group B, claim(s) 36, drawn to a sealing strip comprising only an extruded portion.

The inventions listed as Groups A and B do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical features of Group A are related to extruded one portion of a sealing strip, removing a portion thereof, and then molding additional material to the extruded portion. The invention of Group B is only related to an extruded sealing member having a rigid reinforcement member embedded therein.

Further, inventions cannot share an inventive technical feature, since there is no shared inventive claim, Noting that Hamabati, Nozaki, Dieter, Hanabusa, Bethge, and Okada (cited 4/1/2005 in pct search report as x references on at least claim 1) all

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anticipate at least claim 1, and thus there can be no technical feature shared by all claims that is inventive.

Additionally, this application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- | | |
|-----------|-------------------|
| Group I | Figures 4-6 |
| Group II | Figure 9 |
| Group III | Figure 10 |
| Group IV | Figures 11 and 12 |
| Group V | Figures 13 and 14 |
| Group VI | Figures 15 and 16 |

Figures 1-4, 7, 8 and 17 are considered to be generic to any one of the species listed above.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include

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all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Group I	claims 5, 6 and 23
Group II	claims 7 and 24
Group III	claims 5, 6, 8, 22 and 25
Group IV	claims 5, 6, 8, 15, 22, 25 and 32
Group V	claims 5, 6, 9, 16, 22, 23, 26, 32 and 33
Group VI	claims 5, 6, 9, 16, 22, 23, 26 and 33

The following claim(s) are generic: 1-4, 10-14, 17-21, 27-31 and 34-36.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the invention of Group I includes a clip adhesively attached to the molded portion, the invention of Group II includes an integrally molded clip, the invention of Group III includes a clip embedded in the molded portion, the invention of Group IV includes a clip embedded in the molded portion having a portion extending over the limb, the invention of Group V includes a trapezium shaped embedded member, the invention of Group VI includes a trapezium shaped embedded member that includes recesses and corresponding clip.

A telephone call was made to Christopher M. Francis on December 22, 2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication should be directed to KATHERINE W. MITCHELL at telephone number (571)272-7069.

/KATHERINE W MITCHELL/
Supervisory Patent Examiner, Art Unit 3634

KATHERINE W MITCHELL
SPE
Art Unit 3634